

### **REMARKS**

This is in response to the Office Action mailed January 18, 2008. Claims 1-2 and 4 have been amended. Claims 5-7 have been withdrawn. Claims 8-55 have been cancelled. Claims 1-4 remain pending.

*No new matter has been added.* Amendment of the claims is made solely to expedite prosecution of the above-identified application. Applicants reserve the right to prosecute the same or similar claims in the present or another patent application. The amendments made are not related to any issues of patentability.

#### **Restriction/Election**

Applicants hereby elect with traverse the claims of Group I (claims 1-4) for prosecution in the instant application. Applicants traverse the Restriction Requirement because it would not be unduly burdensome for the Examiner to search and examine all the claims. Examination on the merits is respectfully requested.

#### **Rejections Under 35 U.S.C. §103(a)**

*Hilgren et al. (U.S. Pat. No. 6,514,556) in view of either Gutzmann et al. (U.S. Pat. No. 6,183,807 or U.S. Pat. No. 6,103,286) and Hilgren et al. (U.S. Pat. No. 6,514,556) in view of either Gutzmann et al. (U.S. Pat. No. 6,183,807 or U.S. Pat. No. 6,103,286) and Oakes et al.*

The Office Action has rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Hilgren et al. in view of either Gutzmann et al. The Office Action has also rejected claims 2-4 under 35 U.S.C. § 103(a) as being unpatentable over Hilgren et al. in view of either Gutzmann et al. and Oakes et al. Applicants respectfully traverse these rejections.

Applicants have characterized the invention to be a single peracid system by describing the medium chain peroxycarboxylic acid composition as comprising a peroxycarboxylic acid

consisting of peroxyoctanoic acid. Applicants believe that this amendment differentiates claims 1-4 from the prior art of record. Accordingly, Applicants respectfully request that this rejection be withdrawn.

**Obviousness-Type Double Patenting Rejection**

The Office Action has rejected multiple claims under the judicially created doctrine of obviousness-type double patenting. Applicants have amended claims 1-4 to state that the peroxycarboxylic acid *consists of* peroxyoctanoic acid. Applicant believes that the double patenting rejection is moot in light of this amendment. Accordingly, it is respectfully requested that this rejection be withdrawn.

**Summary**

It is respectfully submitted that each of the pending claims is in condition for allowance, and notification to that effect is kindly requested. The Examiner is invited to contact the Applicants' primary attorney-of-record, Anneliese S. Mayer, at (651) 795-5661, if it is believed that prosecution of this application may be assisted thereby.



Respectfully submitted,

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